IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :24933 of 2006

Dated 6th December,2006

Between

Krishna Rao Shinde

…Petitioner

and

A.P. Residential Educational Institutions Society
Rep. By its Secretary, III Floor, Gagan Vihar,
Nampally, Hyderabad and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 24933 of 2006

ORDER:

In this Writ Petition, the petitioner, who is working as Physical Director in the third respondent-college at Nagarjunasagar, has filed this Writ Petition questioning the order of transfer dated23-11-2006, transferring him to A.P. Urdu Residential Junior College, at Kurnool.

One Mr. Mohd.Ghouse was working as Physical Director in A.P. Residential Junior College, Kurnool. As there was a complaint against him for the alleged mis-behaviour with the female staff, he was placed under suspension. On considering his representation, said Mohd. Ghouse was reinstated into service. However, in view of the allegations, he is posted in the place of the petitioner at Nagarjunasagar and the petitioner is posted to Kurnool.

It is the case of the petitioner that he was transferred to Nagarjunasagar only on 01-10-2005 and even in the regular transfers held in the month of April, 2006, the petitioner was retained at Nagarjunasagar and now he cannot be disturbed in the middle of the academic year as much as his children were joined in the schools at Nagarjunasagar.

When this matter came up earlier, it was adjourned to enable the learned Standing Counsel appearing for the respondents to get instructions as to whether any other vacancy is available for posting Mohd.Ghouse. On obtaining instructions, it is submitted by the learned Standing Counsel appearing for the respondents that there is no vacancy immediately available to accommodate Mr. Mohd.Ghouse.

It is the contention of the petitioner that he has completed only one year at Nagarjunasagar and there are candidates in other places who have completed more than six years; as such, there is no reason to disturb the petitioner. A perusal of the impugned order shows that it is a routine administrative order of transfer and the same was effected in view of the allegations against Mohd. Ghouse, as it was found, not desirable to be continued at the place where complaints were made against him. Transfer is an incidence of service, and, whether the petitioner is to be disturbed or some other person is to be shifted, to accommodate Mr.Mohd.Ghouse, is purely a matter of administrative convenience. I do not find any illegality in the order of transfer, which warrants interference under Article 226 of the Constitution of India. However, as it is stated that the petitioner has joined his children in the schools at Nagarjunasagar, it is open to him to make a representation in this regard for retention at Nagarjunasagar. If such representation is filed, the respondents shall consider the same, uninfluenced by any of the observations made in this order, on its own merits.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

-

JUSTICE R. SUBHASH REDDY

DATE: 06-12-2006.
Msnr.